

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

MEADE, *et al.*

Application No. 09/405,046

Filed: September 27, 1999

For: *Magnetic Resonance Imaging
Agents for the Detection of
Physiological Agents*

Examiner: JONES, Dameron L.

Art Unit: 1618

Conf. No.: 9059

CERTIFICATE OF ELECTRONIC TRANSMISSION
UNDER 37 C.F.R. 1.6(a)(4)

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office on:

Dated: September 6, 2007

Signed: Monica E. Carlos
Monica E. Carlos

**TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING REJECTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Research Corporation Technologies, Inc. (hereinafter "RCT"), represents that it is the assignee of the entire right, title, and interest of:

1. The instant application, U.S. Application No. 09/405,046, filed September 27, 1999, pending; which is a Continuation-in-Part of 09/134,072, filed August 13, 1998, now U.S. Patent No. 5,980,862, issued November 9, 1999; which is a Continuation-in-Part of U.S. Application No. 08/971,855, filed November 17, 1997, abandoned; which is a Continuation-in-Part of U.S. Application No. 08/486,968, filed June 7, 1995, now U.S. Patent No. 5,707,605, issued January 13, 1998; which is a Continuation-in-Part of U.S. Application No. 08/460,511, filed June 2, 1995, abandoned; and

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2. U.S. Patent Application No. 09/716,178, filed November 16, 2000, now U.S. Patent No. 6,713,045, issued March 30, 2004.

An assignment is recorded in the United States Patent and Trademark Office for U.S. Application No. 09/405,046, filed September 27, 1999, at Reel No. 010520, Frame No. 0356, on January 24, 2000.

An assignment is recorded in the United States Patent and Trademark Office for U.S. Application No. U.S. Application No. 09/716,178, filed November 16, 2000, now U.S. Patent No. 6,713,045, issued March 30, 2004, at Reel No. 012942, Frame No. 0334, on June 3, 2002.

RCT hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of U.S. Application No. U.S. Patent Application No. 09/716,178, filed November 16, 2000, now U.S. Patent No. 6,713,045, issued March 30, 2004.

RCT hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, RCT does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. U.S. Patent Application No. 09/716,178, filed November 16, 2000, now U.S. Patent No. 6,713,045, issued March 30, 2004, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee RCT.

Also included herewith is the terminal disclaimer fee of \$65 (\$65.00 for each terminal disclaimer) under 37 C.F.R. 1.20(d). While Applicants believe that no other fees are due at this time, the Commissioner is authorized to charge any fees, including extension fees or any other relief that may be required, in connection with this reply to Deposit Account 50-0310 (Docket No.: 068269-5001US04).

The undersigned is an attorney or agent of record.

MORGAN, LEWIS & BOCKIUS LLP

Dated: Sept. 9, 2007

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Filed Under 37 C.F.R. 1.34